



ORDINANCE NO. 3042

5-385
4347 Sigma Rd.
13890 Midway Rd.

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT WITH SPECIAL CONDITIONS FOR AN INDOOR COMMERCIAL AMUSEMENT FACILITY ON PROPERTY ZONED LIGHT INDUSTRIAL "LI" ZONING DISTRICT, SAID PROPERTY BEING A 5.310 ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for an Indoor Commercial Amusement Facility for ballroom dancing, wedding receptions, birthday parties, banquets, and similar events on property zoned Light Industrial "LI" Zoning District, for a 5.310 acre tract of land located generally located on the north side of Sigma Road, and approximately between Gamma Road and Neutron Road and being further described in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property").

SECTION 2. That the Specific Use Permit for Indoor Commercial Amusement limited to ballroom dancing, wedding receptions, birthday parties, banquets, and similar events is hereby granted subject to the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", and which is hereby approved.
- B. The ballroom dancing events, wedding receptions, birthday parties, banquets, and similar events occurring on the Property pursuant to this Specific Use Permit shall be limited to that portion of the building located on the Property as indicated on Exhibit "C" attached hereto and incorporated herein by reference.
- C. The existing parking lot located at 13890 Midway Road must be resurfaced and restriped prior to issuance of a Certificate of Occupancy.
- D. The Property must be replatted in accordance with the City of Farmers Branch Subdivision Ordinance prior to issuance of a Certificate of Occupancy.
- E. A Landscape Plan for the Property and Front Façade elevation must be submitted to and approved by City Planning staff prior to issuance of a building permit.

SECTION 3. That the above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

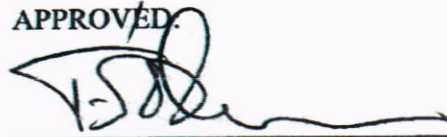
SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 11TH DAY OF AUGUST, 2009.**

APPROVED:



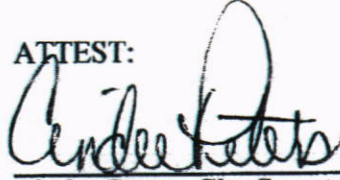
Tim O'Hare, Mayor

APPROVED AS TO FORM:



Kevin Laughlin, City Attorney

ATTEST:



Cindee Peters, City Secretary

Exhibit A
Legal Description

FIELD NOTE DESCRIPTION

BEING a 5.310 acre tract of land situated in the Elsha Fyke Survey, Abstract No. 478, Dallas County, Texas, and being all of Lot 2 of Computer Language Research Addition, an addition to the City of Farmers Branch, according to the plat recorded in Volume 78091, Page 3048 of the Deed Records of Dallas County, Texas (ORDCT), and being a portion of Block E of Metropolitan Business Park, Section One, an addition to the City of Farmers Branch, according to the plat recorded in Volume 88194, Page 1210 (ORDCT), and also being a portion of Block E of Metropolitan Business Park, Section Four, an addition to the City of Farmers Branch, according to the plat recorded in Volume 70083, Page 887 (ORDCT), and being all of a called 1.4063 acre tract of land conveyed to Jeff Yassai recorded in Volume 2000039, Page 4029 (ORDCT) and all of a called 3.904 acre tract of land conveyed to Jeff Yassai and Sayed Hajar Yassai recorded in Volume 91195, Page 891 (ORDCT), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the most southerly southwest line of said 1.4063 acre tract of land and being in the northerly right-of-way line of Sigma Road (a 80' right-of-way), also being South 89°55'00" West, a distance of 26.56 feet from the southeast corner of said Metropolitan Business Park, Section One and the southwest corner of said Metropolitan Business Park, Section Four;

THENCE departing the northerly line of said Sigma Road NORTH 00°05'00" WEST, a distance of 192.00 feet to a 1/2 inch iron rod found for an interior "L" corner in the northerly line of said Metropolitan Business Park, Section One and being located in the southerly line of said Lot 2;

THENCE along the southerly line of said Lot 2 SOUTH 89°55'00" WEST, a distance of 308.64 feet to a 5/8 inch iron rod set for the southwest corner of said Lot 2;

THENCE along the westerly line of said Lot 2 NORTH 00°08'00" WEST, a distance of 158.86 feet to a 5/8 inch iron rod set for the northwest corner of said Lot 2;

THENCE along the northerly line of said Lot 2 NORTH 89°55'00" EAST, a distance of 335.20 feet to a 5/8 inch iron rod set at the northeast corner of said Lot 2, and being in the westerly line of said Metropolitan Business Park, Section Four;

THENCE along the westerly line of said Metropolitan Business Park, Section Four NORTH 00°08'00" WEST, a distance of 20.08 feet to a point for corner at the most northerly northwest corner of said 3.904 acre tract of land in the centerline of a 40 foot drainage and utility easement shown on said plat of Metropolitan Business Park, Section Four;

THENCE along the centerline of said 40 foot drainage and utility easement SOUTH 85°14'32" EAST, a distance of 498.08 feet to a point for corner at the northeast corner of said 3.904 acre tract of land;

THENCE along the easterly line of said 3.904 acre tract of land SOUTH 00°05'00" EAST, a distance of 329.08 feet to a 5/8 inch iron rod set for the southeast corner of said 3.904 acre tract of land and being located in the northerly right-of-way line of said Sigma Road, from which a "capped" iron rod found for reference bears North 00°05' West, a distance of 1.3 feet;

THENCE along the northerly right-of-way line of said Sigma Road SOUTH 89°55'00" WEST, a distance of 520.69 feet to the POINT OF BEGINNING;

CONTAINING within these mates and bounds 5.310 acres or 231,313 square feet of land more or less all according to that survey prepared by A.J. Bedford Group, Inc.

Exhibit B Site Plan

